



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/593,577	06/14/2000	Vasco Vollmer	1221	7640

7590 11/06/2003
Striker Striker & Stenby
103 East Neck Road
Huntington, NY 11743

EXAMINER

WILSON, ROBERT W

ART UNIT	PAPER NUMBER
----------	--------------

2661

4

DATE MAILED: 11/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

KS

Office Action Summary

Application No.

09/593,577

Applicant(s)

VOLLMER ET AL.

Examiner

Robert W Wilson

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-17 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1.0 The application of Vasco Vollmer et al. for "METHOD OF CONTROLLING DATA FLOW FROM TERMINALS OF A CENTRALLY CONTROLLED COMMUNICATION SYSTEM" filed 6/14/2000 with a foreign priority date based upon GERMANY 199 27 544.0 dated 6/16/1999 was examined. Claims 1-17 are pending.

Drawings

2.0 The drawings in this application are objected to by the Draftsperson as informal. Any drawing corrections requested, but not made in the prior application should be repeated in this application if such changes are still desired. If the drawings were changed and approved during the prosecution of the prior application, a petition may be filed under 37 CFR 1.182 requesting the transfer of such drawings, provided the parent application has been abandoned. However, a copy of the drawings as originally filed must be included in the 37 CFR 1.60 application papers to indicate the original content.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3.0 Claims 1, 3, 5-6, 14, & 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ma et al. (U.S. Patent No.: 5,953,338)

Art Unit: 2661

Referring to **Claim 1**, Ma (U.S. Patent No.: 5,953,338) teaches: A method for controlling data flow of terminals in a centrally controlled communication system including a central station (ZE) for controlling the communication system (The ATM SWITCH 130A or central station controls inputs from the CUSTOMER NETWORK (110K) and CUSTOMER NETWORK (110J per Fig 1B or terminals or CLIENT per Fig 8 or terminal. 160 within the ATM SWITCH 130A per Fig 1B performs the control function); said method comprising allocating transmission resources to terminals (T1), T2, ...) requiring the transmission resources make a decision whether or not to use only reduced transmission resource capacity at least in transmission therefrom, independently of available transmission resource (160 per Fig 2 determines if the resources will be granted to the terminal based upon CALL CONTROL REQUEST per Fig 2. The CAC/MONITOR functions INSTRUCTS the BANDWIDTH MANAGER to dynamically adjust the size of the VPs according to the current load conditions per Fig 2. Fig 8 shows that the CAC checks the request against the traffic contract and if the request is within the specified QOS of the traffic contract and bandwidth is available then the request is approved. In other words the central station determined the maximum amount of resources that the CLIENT or CUSTOMER NETWORK could have. The CLIENT or CUSTOMER NETWORK starts sending traffic. The CLIENT or CUSTOMER NETWORK can make a decision to utilize less or more resources than is in specified in it contract. The CAC checks CLIENT's or CUSTOMER NETWORK's total traffic per Fig 8 if an overload occurs then the extra bandwidth block can be borrowed and released per Fig 9A or per col 7 line 16 col 8 line 67)

a) a terminal (T1,T2,...) requiring the transmission resources makes a decision whether or not to use only reduced transmission resource capacity at least in transmission therefrom, independently of available transmission resources (. Fig 8 shows that the CAC checks the request against the traffic contract and if the request is within the specified QOS and bandwidth is available then the request is approved. In other words the central station determined the maximum amount of resources that the CLIENT or CUSTOMER NETWORK could have. The CLIENT or CUSTOMER NETWORK starts sending traffic. The CLIENT or CUSTOMER NETWORK can make a decision to utilize less or more resources than is in specified in it contract.)

b) the decision regarding the reduced transmission resource capacity is transmitted from the terminal making the decision to the central station (ZE) so that the central station (ZE) allocates any remaining unused transmission resource capacity, as needed, to other terminals of the communication system (The CAC checks the CLIENT's or CUSTOMER NETWORK's total traffic contract agreement per Fig 8 if an overload occurs then extra bandwidth block can be borrowed and released per Fig 9A or per col 7 line 16 col 8 line 67. In other words the central station determines the maximum amount of resources that the CLIENT or CUSTOMER NETWORK can have. The CLIENT or CUSTOMER NETWORK starts sending traffic. The CLIENT or CUSTOMER NETWORK can make a decision to utilize less or more resources than is in specified in it contract. In the event one CLIENT or CUSTOMER NETWORK sends more traffic than it contract states then an overload occurs so bandwidth is borrowed and reassigned to resolve the overload)

Art Unit: 2661

In Addition:

Regarding **Claim 3**, further comprising assigning respective transmission resource capacities to said terminals (T1, T2,) based on filling states of corresponding transmission buffers of said terminals by means of the central station (The CAC in the ATM SWITCH or central station monitor's the CLIENT's or CUSTOMER NETWORK's total traffic and compares it to the traffic contract agreement per Fig 8 or Fig 9A. The CAC monitors for Peak Cell Rate or Average Cell rate per col 2 lines 11-23. It would be obvious to one of ordinary skill in the art that measurements of Peak Cell Rate or Average Cell rate are related to the fill rates of the transmission buffers.)

Regarding **Claim 5**, further comprising selecting a predetermined amount of reduction of the available transmission resource capacity independently of at least one of a data rate and a number of active links and in relation to a duration of a transmission (The applicant broadly claims independently of "data rate". The reference teaches that the amount of bandwidth borrowed is not calculated based upon the "data rate etc." of the loaner but the amount of bandwidth not used according to the loaner's contract per Fig 9A or 9B)

Regarding **Claim 6**, wherein selecting of the predetermined amount of reduction takes place according to a medium access control channel access protocol (The applicant broadly claims "medium access control channel access protocol". It would be obvious to one of ordinary skill in the art that ATM is a 2 layer protocol or Medium Access Control protocol and that the CLIENT or customer network make requests to the CAC which can broadly be called communication over over an access control channel because the CLIENTS or customer networks are making access requests per Fig 8 and Fig 9A or 9B or col 7 line 15-col 8 line 67)

Regarding **Claim 14**, further comprising controlling transmission flow and reception flow based upon a decision to receive said reduced transmission resource capacity (The CAC checks the CLIENT's or CUSTOMER NETWORK's total traffic contract agreement per Fig 8 if an overload occurs then extra bandwidth block can be borrowed and released per Fig 9A or per col 7 line 16 col 8 line 67. In other words the central station determines the maximum amount of resources that the CLIENT or CUSTOMER NETWORK can have. The CLIENT or CUSTOMER NETWORK starts sending traffic. The CLIENT or CUSTOMER NETWORK can make a decision to utilize less or more resources than is in specified in it contract. In the event one CLIENT or CUSTOMER NETWORK sends more traffic than it contract states then an overload occurs so bandwidth is borrowed and reassigned to resolve the overload)

Regarding **Claim 16**, wherein said reduced transmission resource capacity and a reduction factor for said reduced transmission resource capacity are adjustable independently of said decision and transmission of said decision to said central station (The applicant broadly claims "reduced transmission resource capacity are adjustable independently of said decision" The amount of bandwidth borrowed is adjustable and based on an individual case basis or independent as shown in Fig 9A or 9B)

Art Unit: 2661

Regarding **Claim 17**, wherein said reduction factor and said reduced transmission resource capacity are adjustable during operation (The applicant broadly claims “adjustable during operation” The amount of bandwidth borrowed is adjustable and based on an individual case basis or adjustable during operation as shown in Fig 9A or 9B)

Ma does not expressly call for: central station but teaches ATM SWITCH with CALL CONTROL per Fig 1B or terminal but teaches CUSTOMER NETWORK per Fig 1B or CLIENT per Fig 8.

It would be obvious to one of ordinary skill in the art at the time of the invention that the ATM SWITCH with CALL CONTROL performs the same function as the central station and that the CUSTOMER NETWORK per Fig 1B or Client per Fig 8 performs the same function as the terminal

Claim Rejections - 35 USC § 112

4.0 The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2 & 7-15 are rejected relative to 112/2nd paragraph because the metes and bound of these claims cannot be assessed.

Referring to **Claim 2**, Claim 2 is confusing and unclear. What is meant by “resource requirement message”. What devices does the “resource requirement message” flow between? What is meant by “uplink” and “direct mode phase”?

In Addition:

Claims 8-11 are rejected because they depend on **Claim 2**.

Referring to **Claim 7**, Claim 7 is confusing and unclear. What is meant by “selecting of the predetermined amount of the reduction takes place according to a sum of a transmission time during at least one of up-link phase and direct-mode phase”?

Referring to **Claim 11**, Claim 11 is confusing and unclear. What is meant by “set or unset state”?

Referring to **Claim 12**, Claim 12 is confusing and unclear. What is meant by “resource requirements are based on individual DLC links or according to a predetermined properties of said individual DLC links”?

In Addition:

Art Unit: 2661

Claim 13 is rejected because it depends on **Claim 12**.

Referring to **Claim 15**, Claim 15 is confusing and unclear. What is meant by "individual DLC link" and "at least one terminal in its entirety"?

Claim Objections

5.0 Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The closest prior art Ma (U.S. Patent No.; 5,953,338) and Ma does not disclose or anticipate useage of ARQ protocol in an ATM environment.

Conclusion

6.0 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert W Wilson whose telephone number is (703) 305-4703. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas Olms can be reached on (703) 305-4703. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Application/Control Number: 09/593,577

Art Unit: 2661

Page 7



Robert W Wilson
Examiner
Art Unit 2661

RWW
October 23, 2003



DANG TON
PRIMARY EXAMINER